

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

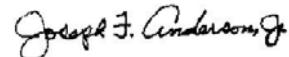
Thomas Vandola Lee,) C/A No. 9:09-262-JFA-BM
Plaintiff,)
v.) **ORDER**
)
M.M. Mitchell, Warden of FCI Edgefield;)
Lieutenant Mr. Kelson; Dr. Rex Blocker; and)
Mr. Saha, M.L.P.,)
Defendants.)

)

The *pro se* plaintiff brings this action pursuant to 42 U.S.C. § 1983. The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that this court should grant the plaintiff's motion for voluntary dismissal pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation. The Magistrate Judge notes in his Report that the defendants have responded to the motion to dismiss and raise no opposition.

For good cause shown, plaintiff's motion is granted and this action is dismissed without prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.
United States District Judge

August 13, 2009
Columbia, South Carolina

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).